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10 UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO HEADQUARTERS

12 UNITED STATES OF AMERICA,)
13)
Plaintiff,)
14)
v.)
15)
PACIFIC MARITIME ASSOCIATION,)
16)
and)
17)
INTERNATIONAL LONGSHORE AND)
18 WAREHOUSE UNION;)
19)
Defendants.)
20

No.

PLAINTIFF'S
TEMPORARY RESTRAINING ORDER

21 TEMPORARY RESTRAINING ORDER

22 This matter comes before the Court on the motion of the plaintiff, the United States of
23 America, for a temporary restraining order. Upon consideration of the foregoing motion, the
24 memorandum of points and authorities submitted therewith, and accompanying the exhibits and
25 declarations submitted therewith, and each of them, and it appearing to the Court that defendants
26 Pacific Maritime Association and International Longshore and Warehouse Union are engaged in
27 an unresolved labor dispute, and that such dispute has resulted in a lockout in ports located in
28 California, Oregon, and Washington, which commenced on September 29, 2002, and still

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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 continues, which affects a substantial part of the maritime industry, an industry engaged in trade,
2 commerce, transportation and transmission among the several States and foreign nations, and
3 which, if permitted to continue, will imperil the national health or safety, it is by the Court hereby

4 ORDERED that defendants Pacific Maritime Association and International Longshore and
5 Warehouse Union, and their officers, agents, Members, servants, and employees, and all persons
6 in active concert with them, including, without limitation, the members of the Pacific Maritime
7 Association, and the local unions represented by the International Longshore and Warehouse
8 Union, or any of them, are hereby enjoined and restrained from in any manner continuing,
9 encouraging, ordering, permitting, aiding, engaging in, or taking any part in any strike or lockout
10 in the maritime industry of the United States; and it is further

11 ORDERED that defendants Pacific Maritime Association and International Longshore and
12 Warehouse Union, and their officers, agents, members, servants, and employees, and all persons
13 in active concert with them, including, without limitation, the members of the Pacific Maritime
14 Association, and the local unions represented by the International Longshore and Warehouse
15 Union, or any of them, are hereby enjoined and restrained from in any manner interfering with or
16 affecting the orderly continuance of work in the maritime industry, at a normal and reasonable rate
17 of speed, and in accordance with the wages, benefits, and terms and conditions of employment
18 provided under the most recent collective bargaining agreement between defendants, the terms
19 and conditions of which shall continue in full force and effect during the period of this order,
20 including any cost of living increases which would have resulted if such agreements had remained
21 in effect, provided, however, that if thereafter defendants shall jointly stipulate to other wages,
22 hours, terms, and conditions of employment covering the period of this Order, or shall have
23 reached a final and binding collective bargaining agreement, and such stipulation or agreement
24 would otherwise be lawful, such stipulation or such agreement shall prevail, provided that nothing
25 in this paragraph shall be construed to require an individual employee to render labor or service
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1 without his or her consent nor to make the quitting of his or her labor or service by an individual
2 employee an illegal act; and it is further

3 ORDERED that defendants Pacific Maritime Association and International Longshore and
4 Warehouse Union, and their officers, agents, Members, servants, and employees, and all persons
5 in active concert with them, including, without limitation, the members of the Pacific Maritime
6 Association, and the local unions represented by the International Longshore and Warehouse
7 Union, or any of them, are hereby enjoined and restrained from taking any action which would
8 interfere with this Court's jurisdiction or which would impair, obstruct, or render fruitless the
9 determination of this cause by the Court; and it is further

10 ORDERED that defendant Pacific Maritime Association, and its officers, agents, servants,
11 and employees, shall give notice of the terms of this Temporary Restraining Order forthwith to its
12 members, and shall take all actions which may be necessary to insure that such instructions are
13 carried out; and it is further

14 ORDERED that defendant International Longshore and Warehouse Union, and its officers,
15 agents, servants, and employees, shall give notice of the terms of this Temporary Restraining
16 Order forthwith to its local unions, and shall take all actions which may be necessary to insure that
17 such instructions are carried out; and it is further

18 ORDERED that all the defendants shall engage in free collective bargaining in good faith
19 for the purpose of resolving their disputes and to make every effort to adjust and settle their
20 differences, as contemplated by the Labor Management Relations Act of 1947; and it is further

21 ORDERED that this Temporary Restraining Order shall expire at 5 p.m., Pacific
22 Standard Time, on October 16, 2002, unless before such time the order is extended for good
23 cause shown, or unless the defendants consent to an extension of the order for a longer period; and
24 it is further

25 ORDERED that plaintiff's motion for preliminary and final relief shall be set for hearing in
26 this Court on Oct, 16, 2002, at 3 pm, in Courtroom Number 9; and it is further

1 ORDERED that service of a copy of this Temporary Restraining Order, together with
2 plaintiff's Complaint for Injunctive Relief and all papers, exhibits, and declarations upon which it
3 is based, shall be served upon defendants on or before October 11, 2002.

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7 UNITED STATES DISTRICT JUDGE

8 Dated: October 8, 2002
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